IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 249 OF 2005

PRASAR BHARTI, A.I.R., THR. ....Petitioner
EXECUTIVE ENGINEER (CIVIL) MUMBAI

Versus

M/S. M. N. NINAN ....Respondent

Shri. E. P. Badrinarayan, Advocate for the Petitioner.
Mr. D. L. Nayak Karmali, Advocate For Respondent

Coram:- D. D. SINHA, J.

Date:- 17th November, 2005

P.C.:

Heard Shri E. Badrinarayan, learned counsel for the petitioner and Shri D.Karmali, learned counsel for the respondent.

2. The Writ Petition is directed against the Order dated 28th February, 2005 passed by the Addl. District Judge whereby the application for condonation of delay moved by the petitioner came to be dismissed.

3. The following facts are not disputed :-

The copy of the Arbitral Award was received by the petitioner on 4.12.2002 and thus the objection under S.34 of the 1996 Act ought to have been filed on or before 4.3.2003. However, the same was filed on 27.06.2003. It is also not in dispute that there was a delay of 112 days in filing this petition. In that view of the matter, particularly taking into consideration the scheme of Section 34 of the Act as well as exclusion of application under Section 5 of the Limitation Act, the order is just and proper and does not require any interference at the hands of this Court.

Writ Petition is dismissed.

D. D. SINHA, J.

sl.